

EX PARTE OR LATE FILED

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P.O. Box 10316 • Truckee, CA 96162
www.knowcode.org • info@knowcode.org

July 1, 1999

Magalie Roman Salas, Secretary
Federal Communications Commission
455 Twelfth Street S.W.
Washington, DC 20024

RECEIVED

JUL 2 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: WT Docket No. 98-143, Notice of Written Ex Parte Presentation
and Delivery Thereof; Biennial Review, Amateur Radio Part 97 Regulations

Dear Madame Secretary:

This letter, being filed in duplicate and on diskette in Adobe Acrobat Portable Document Format (.pdf), along with paper copies and an Adobe Acrobat Portable Document Format (.pdf) copy (on the same diskette) of the accompanying letter, constitutes a memorandum of a written *ex parte* presentation made in letter form to the Commissioners, with a sufficient number of additional copies provided for distribution by your office to the Commissioners, the Commission's General Counsel, and the additional WTB personnel enumerated in the cc: list below.

The presentation is being made on behalf of Know Code International in letter form by Eric June, KU6J, Director of Know Code International.

The presentation, elaborated in the attached letter, adds clarifications to a previous filing regarding the filings of No-Code International. The intent is to *ensure* that no unintentional false impressions were left with the Commissioners in this matter, in an attempt to be certain that No-Code International is treated *fairly* in all respects.

Respectfully submitted,
Know Code International

A handwritten signature in black ink that reads "Eric June".

Eric June, KU6J
15629 Skislope Way
Truckee, CA 96161
director@knowcode.org

No. of Copies rec'd 5 Originals
List A B C D E

cc: Christopher J. Wright, General Counsel, FCC
Thomas J. Sugrue, Chief, WTB
D'wana R. Terry, Chief, Private Wireless Division, WTB
John Borkowski, Chief, Policy & Rules Branch, Private Wireless Division, WTB
William Cross, Private Wireless Division, WTB

Providing a reasoned perspective on the issues surrounding Morse code testing.

July 1, 1999

Federal Communications Commission
445 Twelfth Street S.W.
Washington, DC 20024



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TO: Chairman William E. Kennard
Commissioners Susan Ness, Michael Powell,
Harold Furchgott-Roth, and Gloria Tristani
The Secretary, Magalie Roman Salas

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Mr. Chairman, Commissioners, and Madam Secretary:

On June 14th, 1999 Know Code International filed an Ex Parte Presentation with the Commission. The main thrust of the presentation was to point out that No Code International had made inaccurate, deceptive, and possibly fraudulent filings with the Commission regarding WT Docket 98-143. In our presentation, we presented an obvious lie made by NCI Director Carl Stevenson. I included the following statement:

"I pointed out Director Stevenson's lie in the same public forum, in a direct reply to Director Stevenson's statement. None of the four NCI Directors who regularly participate in the forum (including Director Stevenson) made any further statements regarding this issue: no explanations, no clarifications, no retractions, no apologies. Given this information, we are left to seriously question even the basic foundation of the NCI study, and question the integrity of the No-Code International board of directors."

I pointed out that none of the NCI Directors had responded to that statement in an effort to *stipulate unambiguously* to the Commission that I had not, to the best of my knowledge, omitted *any* such responses that may have been posted as of the date of the Know Code International presentation.

In a recent Internet newsgroup discussion with a former No Code International member who is now a member of Know Code International, a point came up just today or yesterday regarding the nature of Internet newsgroup communications. The point was that in Internet newsgroup communications, there is *no requirement at all for any individual to read any particular posting*. Newsgroup communications are *not* similar to electronic mail that can be directed to a specific individual, often with the opportunity for a delivery notification upon receipt. The Commission should *in no way infer* from my stipulation that no NCI Director responses appeared, that Mr. Stevenson or any other NCI Director actually read my challenge to Director Stevenson's obvious lie. It should further be assumed, in fairness, that *none* of the NCI Directors have actually seen my challenge to Mr. Stevenson's lie.

Providing a reasoned perspective on the issues surrounding Morse code testing.

Please also note this segment of the above statement:

“Given this information, we are left to seriously question even the basic foundation of the NCI study, and question the integrity of the No-Code International board of directors.”

When I said “given this information” I was referring to the lie itself, and the resulting implications on the basic validity of the underlying study of comments performed by No Code International. I was *not* referring to the lack of responses to my challenge of Mr. Stevenson’s lie. Again, the Commission *should not infer anything at all* regarding the absence of responses by NCI Directors.

Since Ex Parte Presentations are a matter of public record at the Commission, and No Code International is a party to the matter, my assumption has always been that they would likely be aware of, and read, the presentation I filed. I wanted to take this opportunity to be *certain* that no unintentional false impressions regarding Internet newsgroup communication reliability were left with the Commissioners as a result of my stipulation stating that no responses were noted as of June 14, 1999, the date of the previous Know Code International presentation.

I realize that I have made serious charges against No Code International. I encourage the Commissioners to *specifically ask Mr. Stevenson and No Code International for a response to my charge* if one is not provided of their own volition. I have raised the issues mentioned in the original Know Code International presentation, and many other issues impacting NCI’s fundamental credibility, in the Internet newsgroup forum *repeatedly* so that the NCI Directors could have the opportunity to comment and debate. I have received responses from NCI Directors on all issues with the sole exception of Mr. Stevenson’s obvious lie. The responses have generally been somewhat evasive, which could reasonably be expected in an adversarial discussion. I deliberately omitted *any* claims from my previous presentation that I did not personally believe could be *proven* beyond a reasonable doubt in a court of law. I have added no new claims to this presentation because charges currently being actively debated in the newsgroup forum have not, in my estimation, met this criteria.

I now encourage the Commission to try, where I have failed, to get direct, non-evasive responses from the Directors of No Code International on all of the serious matters that I *have* presented.

Respectfully submitted,
Know Code International

A handwritten signature in black ink, appearing to read "Eric June". The signature is stylized with a large, looped "E" and a cursive "June".

Eric June, KU6J

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This page has been substituted for one of the following:

- o An oversize page or document (such as a map) which was too large to be scanned into the ECFS system.
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